

Amendment under 37 C.F.R. § 1.116  
U.S. Application No. 10/042,381

**REMARKS**

Claims 1-17 have been examined. Claims 1, 2 and 17 have been rejected under 35 U.S.C. § 112, second paragraph, claims 1-10, 13, 14, 16 and 17 have been rejected under 35 U.S.C. § 102(b), and claims 11, 12 and 15 have been rejected under 35 U.S.C. § 103(a).

**I. Preliminary Matters**

The Examiner has not acknowledged the drawings filed on January 11, 2002.

Accordingly, Applicant respectfully requests the Examiner to indicate, in the next Office Action, whether the drawings are acceptable.

**II. Rejections under 35 U.S.C. § 112, second paragraph**

The Examiner has rejected claims 1, 2 and 17 under 37 C.F.R. § 1.112, second paragraph, as allegedly being indefinite. In particular, the Examiner has rejected claim 1. Accordingly, Applicant has amended claim 1 in a manner believe to overcome the rejection. In addition, Applicant has amended claim 3 in a similar manner as claim 1. Applicant respectfully requests that such amendments be entered.

**III. Rejections under 35 U.S.C. § 102(b) in view of U.S. Patent No. 6,612,100 to Morimoto et al. (“Morimoto”)**

The Examiner has rejected claims 1-10, 13, 14, 16 and 17 under 35 U.S.C. § 102(b) as allegedly being anticipated by Morimoto.

**A. Claim 1**

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites a cutting/stacking means for forming sheets by cutting a continuous sheet at a regular length, and for stacking only the sheets in a predetermined number.

The Examiner maintains that elements 104, 400A, 400B of Morimoto disclose the claimed cutting/stacking means. However, as set forth above, “only” the sheets are stacked by the cutting/stacking means. As set forth in Morimoto, the film supply apparatus 100 cuts a film roll 36 into films F (i.e., alleged sheets) (col. 8, lines 20-22). The films F are then supplied to the pack producing apparatus 400A, 400B, which stacks the plurality of films F on a protective cover 12 (col. 8, lines 42-45). Accordingly, the pack producing apparatus 400A, 400B stacks the films F and the protective cover 12 together, and does not just stack “only” the films F, as recited in claim 1. Accordingly, Applicant submits that the pack producing apparatus 400A, 400B fails to teach or suggest the claimed stacking means.

Further, claim 1 recites a first handling means for placing one of a protective cover and stacked sheets on an upper surface of a remaining protective cover or stacked sheets.

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The Examiner maintains that element 810 of Morimoto discloses the claimed first handling means. However, element 810 is a package delivery machine for delivering a film package W that has already been fully assembled and packaged in a light-shielding bag 28 (i.e., it is the end product) (col. 8, lines 54-67). As claimed, the first handling means is included with the covered sheet stack producing means for folding a protective cover around at least a portion of the stacked sheets (i.e., used during an early stage of production). The first handling means is not a part of a packaging means or device for delivery of the final packaged product. Assuming the protective cover 12 and the sheets F of Morimoto disclose the claimed protective cover and stacked sheets, as set forth by the Examiner, the package delivery machine 810, for delivering the film package W, does not teach or suggest the claimed first handling means.

In view of the above, Applicant submits that claim 1 is patentable over the cited reference, and respectfully requests the Examiner to reconsider and withdraw the rejection.

#### B. Claim 2

Since claim 2 is dependent upon claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency.

**C. Claim 3**

Since claim 3 contains features that are analogous to the features recited in claim 1, Applicant submits that claim 3 is patentable for at least analogous reasons as presented above.

**D. Claim 4**

Since claim 4 is dependent upon claim 3, Applicant submits that such claim is patentable at least by virtue of its dependency.

**E. Claim 5**

Applicant submits that claim 5 is patentable over the cited reference. For example, claim 5 recites a second handling means for turning over a sheet orientation of the stacked sheets to locate the protective cover under the stacked sheets. The second handling means then sets the protective cover and the stacked sheets to the folding means.

On pg. 3 of the Office Action, the Examiner maintains that the pack feeding apparatus 600 discloses the claimed second handling means and the raising guide 492 of the pack producing apparatus 400A, 400B discloses the claimed folding means. However, as set forth in Morimoto, the pack producing apparatus 400A, 400B produces a pack 26 and the pack 26 is then supplied to the package producing apparatus 700 from the pack feeding apparatus 600 (i.e., alleged second handling means) (col. 8, lines 42-48). Thus, contrary to the recitations of claim 5,

the pack feeding apparatus 600 (i.e., alleged second handling means) does not “set” a protective cover and stacked sheets to the pack producing apparatus 400A, 400B (i.e., alleged folding means). Rather, the pack feeding apparatus 600 is downstream from, and works subsequent to, the pack producing apparatus 400A, 400B.

Accordingly, Applicant submits that claim 5 is patentable over the cited reference and respectfully requests the Examiner to reconsider and withdraw the rejection.

In addition, since claim 5 is dependent upon claim 3, Applicant submits that such claim is patentable at least by virtue of its dependency.

#### **F. Claim 6**

Since claim 6 is indirectly dependent upon claim 3, Applicant submits that such claim is patentable at least by virtue of its dependency.

#### **G. Claims 7-9**

Claims 7-9 recite respective features regarding power drive sources. The Examiner has not indicated where such features are disclosed in Morimoto. Accordingly, if the rejection is to be maintained, Applicant respectfully requests the Examiner to specifically indicate where the claimed features are disclosed in the reference.

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Applicant also submits that claims 7-9 are patentable at least by virtue of their indirect dependency upon claim 3.

#### **H. Claims 10, 13, 14 and 16**

Since claims 10, 13, 14 and 16 are indirectly dependent upon claim 3, Applicant submits that such claims are patentable at least by virtue of their dependency.

#### **I. Claim 17**

Since claim 17 is dependent upon claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency.

#### **IV. Rejections under 35 U.S.C. § 103(a) in view of Morimoto and U.S. Patent No. 5,733,099 to Honneger (“Honneger”)**

The Examiner has rejected claims 11 and 12 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Morimoto and Honneger. However, since claims 11 and 12 are indirectly dependent upon claim 3, and Honneger fails to cure the deficient teachings of Morimoto in regard to claim 3, Applicant submits that claims 11 and 12 are patentable at least by virtue of their dependency.

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**V. Rejections under 35 U.S.C. § 103(a) in view of Morimoto and U.S. Patent No. 5,878,554 to Loree et al. (“Loree”).**

The Examiner has rejected claim 15 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Morimoto in view of Loree. However, since claim 15 is indirectly dependent upon claim 3, and Loree fails to cure the deficient teachings of Morimoto, in regard to claim 3, Applicant submits that claim 15 is patentable at least by virtue of its dependency.

**VI. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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Allison M. Tulino  
Registration No. 48,294  
Date: March 1, 2005

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
**23373**  
CUSTOMER NUMBER